

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:22cv249-MR-WCM

RONNIE PATTERSON,)
)
Plaintiff,)
v.)
)
LOWELL GRIFFIN, in his official)
capacity as Henderson County)
Sheriff and BRENT NICHOLSON)
in his official capacity as a deputy)
for the Henderson County Sheriff's)
Office,)
)
Defendants.)

ORDER

This matter is before the Court *sua sponte* for case management purposes.

This case was originally filed in the Superior Court of Henderson County, North Carolina on May 23, 2022 by Plaintiff through his attorney Michael Bender.

On November 29, 2022, Defendant Griffin removed the matter to this Court. The Notice of Removal ("Notice") states that Defendant Griffin was served on October 31, 2022 and that Defendant Nicholson has not been served. Doc. 1. The certificate of service on the Notice indicates that defense counsel

mailed a copy of the Notice to Mr. Bender at his law firm's offices in Columbus, North Carolina. Doc. 1 at 4.

On November 30, 2022, notice was sent electronically to Mr. Bender advising him that he was required to satisfy the requirements for admission to the Western District of North Carolina and that he should register for e-filing access. A second notice was sent electronically to Mr. Bender on December 16, 2022, and a third notice was sent on December 30, 2022. Mr. Bender has not responded to these notices.

On December 19, 2022, Defendant Griffin filed a Motion to Dismiss along with a supporting memorandum. Docs. 3, 4. The certificate of service on the Motion to Dismiss indicates that a copy of the Motion to Dismiss was mailed to Mr. Bender at his law firm's offices in Forest City, North Carolina. Doc. 3 at 2. The deadline for Plaintiff to respond to the Motion to Dismiss was January 2, 2023. However, as of the date of this Order, no response has been filed on behalf of Plaintiff.

On January 6, 2023, attorney Patrick Twisdale filed a Notice of Appearance on behalf of Plaintiff.

In the exercise of discretion, and bearing in mind the general principle that, when possible, cases should be decided on their merits, the undersigned concludes that the deadline for Plaintiff to respond to the Motion to Dismiss should be extended.

IT IS THEREFORE ORDERED THAT:

1. The deadline for Plaintiff to file a response to the Motion to Dismiss (Doc. 3) filed by Defendant Griffin is **EXTENDED** to and including **January 23, 2023**.
2. The clerk is **RESPECTFULLY DIRECTED** to transmit a copy of this Order to Mr. Bender via email and mail to the address(es) shown for him in the public records of the North Carolina State Bar.
3. Plaintiff is **DIRECTED** to make such filings, on or before **January 23, 2023**, as are appropriate to clarify Mr. Bender's status as counsel in this matter, such as a Motion to Withdraw for Mr. Bender or confirmation that he has complied with the admission requirements.

Signed: January 9, 2023



W. Carleton Metcalf
United States Magistrate Judge

